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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,783	09/12/2003	Werner Honegger	P56949	5861
8439 7590 10/01/2009 ROBERT E. BUSHNELL & LAW FIRM 2029 K STREET NW SUITE 600 WASHINGTON, DC 20006-1004			EXAMINER MORRISON, THOMAS A	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 10/01/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/660,783

**Applicant(s)**

HONEGGER, WERNER

**Examiner**

THOMAS A. MORRISON

**Art Unit**

3653

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-39 and 48-62 is/are pending in the application.
- 4a) Of the above claim(s) 48-62 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32, 34 and 36 is/are allowed.
- 6) ☒ Claim(s) 33, 35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 33, 35 and 37-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 33, it is generally unclear what is meant by the recitation "comprised of the flexible objects, during said advance of the flexible objects over the surface of the guide, being continuously rotated from the orientations of the flexible objects in said obliquely standing positions and inclined in an opposite orientation when initially fed along the guide path". Moreover, this recitation in claim 33 appears to be inaccurate, in that the flexible objects appear to be rotated "to" the orientations of the flexible objects in the obliquely standing positions, rather than "from" the orientations of the flexible objects in said obliquely standing positions, as presently claimed. See, e.g., the erecting step in claim 32.

Regarding claim 37, it is unclear what is meant by the recitation "comprised of contributing to said erecting of said flexible object **rotation** by sequentially urging upper edges of the flexible objects in a direction of said advance". (emphasis added). Also, it is noted that "flexible object" in claim 37 should be changed to -- flexible objects -- for consistency of claim language throughout the claims.

Regarding claim 38, it is unclear what is meant by the recitation "comprised of contributing to said erecting of said flexible object **rotation** by individually regulating movement of a plurality of conveyors disposed along said guide to movingly engage the lower edges". (emphasis added). Also, it is noted that "flexible object" in claim 38 should be changed to -- flexible objects -- for consistency of claim language throughout the claims.

Regarding claim 39, it is unclear what is meant by "comprised of contributing to said erecting of said flexible object **rotation** by terminating said guide with an abutment oriented outwardly from said guide in a direction of said advance". (emphasis added). Also, it is noted that "flexible object" in claim 37 should be changed to -- flexible objects -- for consistency of claim language throughout the claims.

#### ***Election/Restrictions***

2. This application is in condition for allowance except for the above-noted rejections of claim 33, 35 and 37-39 under 35 U.S.C. 112, second paragraph, and the presence of claims 48-62 directed to an invention non-elected with traverse in the reply filed on 2/27/2006. Applicant should cancel the noted claims 48-62 or take other appropriate action (37 CFR 1.144).

#### ***Allowable Subject Matter***

3. Claims 32, 34 and 36 are allowed. Claims 33, 35 and 37-39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **THOMAS A. MORRISON** whose telephone number is **(571)272-7221**. The examiner can normally be reached on **M-F, 8am - 5pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on **(571) 272-6916**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
Unit 3653

9/28/09